

1 If you put at time of discovery, there
2 may be situations where they can't get in and
3 replace them. But as soon as it is brought to
4 the code enforcement officer's attention, it will
5 be pending.

6 I understand previously this hasn't been
7 a good situation where it hasn't been replaced in
8 a timely fashion. But if you put a certain time
9 limit, 1 month, 2 months, they might not be able
10 to get in there, especially in this type of soil.

11 MRS. MARTIN: How would there be notification
12 given to the zoning enforcement officer if
13 something like that happens?

14 MRS. SCHERER: When someone else's property
15 floods.

16 MR. DEPIES: Probably abutting property
17 owners would notice a problem.

18 MRS. MARTIN: So when they are digging and
19 dig one up, they don't have to hurry, run to
20 Woodstock, and say hey, I got tile I discovered?

21 MR. DEPIES: They should. But they probably
22 wouldn't. I think probably what would happen
23 would be an abutting property owner would notice
24 it first, and notify our department. And our

1 department would say you were in violation of the
2 conditional use.

3 MRS. MARTIN: If it is a time of year, or
4 year when the tile really needed -- some years
5 there is more than a need for tile than others.
6 You know, 2 years down the line, they start
7 having problems.

8 MR. DEPIES: They would still have to replace
9 it though. That's why I didn't put during the
10 construction period. If it is destroyed at any
11 time. It could be destroyed when the soils are
12 moist and someone drives over a tile, it could
13 break. It wouldn't necessarily have to be a
14 construction period.

15 I understand what you are saying. It
16 could be 2 years down the road before anyone
17 would notice.

18 CHAIRMAN HAERTER: Is there a tile district
19 here or any maps of the tile?

20 MR. DEPIES: There are scattered maps of tile
21 districts. But they are very few and far
22 between.

23 CHAIRMAN HAERTER: I don't imagine they have
24 been maintained real well here because of

1 farming.

2 MR. DEPIES: I know up the road they have had
3 problems with the tile being broken.

4 (Mr. McNerney arrived)

5 CHAIRMAN HAERTER: Mike, we have talked about
6 the conditions. And we are talking on number 6,
7 as to language to cause them to fix it in an
8 expeditious manner.

9 The suggestion has been made to put the
10 words at discovery after that, and give the code
11 enforcement officer then some discretion as to
12 getting it done in a timely fashion.

13 MR. MCNERNEY: That's fine.

14 CHAIRMAN HAERTER: Elizabeth, are you happy
15 with that?

16 MRS. SCHERER: No. But I'm in the minority
17 so I will be quiet.

18 CHAIRMAN HAERTER: So we will add those 2
19 words at the end of number 6. Any other further
20 conditions anybody on the Board would like to
21 suggest?

22 MR. EMERSON: You have incorporated my 3
23 suggestions. I'm happy.

24 CHAIRMAN HAERTER: There was some discussion

1 at the hearing as to recommending a style of
2 building for the building. I believe my notes
3 say residential in flavor. Anybody else remember
4 that?

5 MRS. MARTIN: Yes, I do.

6 MR. EMERSON: How many houses are going to be
7 built out there?

8 CHAIRMAN HAERTER: One building put up. I
9 guess the suggestion was that by one of the
10 neighbors, I believe, that if this is approved,
11 that the building they put up look like a house,
12 or you know.

13 MR. MCNERNEY: That goes to the point that we
14 talked about earlier. Do we have architectural
15 control? And we really don't. That's the nature
16 of one of the types of things we can't do.

17 CHAIRMAN HAERTER: Shall we forget that?

18 MR. MCNERNEY: I would be in favor of
19 forgetting that.

20 MRS. SCHERER: I can't figure out how you
21 would word it.

22 CHAIRMAN HAERTER: Okay. Anything further on
23 the conditions? Call for a motion.

24 MRS. SCHERER: One additional thing. There

1 was discussion at the hearing with regard to no
2 lights on the top of the towers due to the fact
3 they were less than 200 feet. Do we assume that
4 they won't put them there?

5 CHAIRMAN HAERTER: I would assume he wouldn't
6 put them there unless he had to. It is an
7 additional expense.

8 MRS. SCHERER: Okay.

9 CHAIRMAN HAERTER: Anything further? Then I
10 will take a motion on the conditions as
11 developed.

12 MR. EMERSON: I make a motion that we
13 recommend the 6 conditions that we have discussed
14 pertaining to Petition 97-03, as corrected if you
15 want to put that.

16 CHAIRMAN HAERTER: Second?

17 MR. MCNERNEY: I will second that.

18 CHAIRMAN HAERTER: Any further discussion on
19 the conditions? Call for the vote. Mr. Emerson?

20 MR. EMERSON: Yes.

21 CHAIRMAN HAERTER: Mr. McNerney?

22 MR. MCNERNEY: Yes.

23 CHAIRMAN HAERTER: Mrs. Scherer?

24 MRS. SCHERER: Yes.

1 CHAIRMAN HAERTER: Mrs. Martin?

2 MRS. MARTIN: Yes.

3 CHAIRMAN HAERTER: Mr. Kelly?

4 MR. KELLY: Yes.

5 CHAIRMAN HAERTER: And I vote yes. So the
6 conditions are recommended 6 to 0. I'll now take
7 a motion on the petition itself.

8 MR. KELLY: For discussion, I will make a
9 motion to recommend a conditional use permit for
10 the construction of 4 towers, subject to the
11 conditions that we already approved.

12 MRS. SCHERER: I will second that for
13 purposes of discussion.

14 CHAIRMAN HAERTER: Mr. Kelly, would you start
15 the discussion, please?

16 MR. KELLY: We have a request here for
17 construction of 4 towers, and an objection by the
18 Village of Lakewood and many land owners in the
19 area objecting to the petition.

20 We have a situation where the
21 Petitioner's testimony was that this is the
22 station that is going to broadcast to Madison to
23 Milwaukee to Chicago. So in other words, it is
24 basically a large area, a major market type use

1 as opposed to -- their own testimony wa
2 was not really a local type radio station c
3 local use station.

4 It seems that the request failed to
5 address why it was necessary for this use to be
6 placed in an area where there were adjacent
7 houses and area of residential as opposed to a
8 commercial use.

9 Since the station was taking up such a
10 large area and focusing over, you know, many
11 miles and miles of residences, it seems that this
12 use should be placed more in an industrial or
13 commercial type property as opposed to near or
14 adjacent to future development of residential
15 areas.

16 I also think that it is a business that
17 is not going to employ anyone in McHenry County.
18 It is a business whose offices are actually
19 located outside of McHenry County.

20 And their own testimony was that the
21 majority of -- they provided no testimony at all
22 with regards to, you know, what local benefit
23 this would be to either the surrounding areas of
24 the tower or to McHenry County in general.

1 So I'm opposed to it.

2 CHAIRMAN HAERTER: Thank you. Mrs. Martin?

3 MRS. MARTIN: I would like to talk a little
4 bit about the request that we made at the hearing
5 for some soil testing and soil borings on the
6 property. We got the report today.

7 As I have reviewed it, I guess it is on
8 page 3 of the report, they are making some
9 recommendations. I think it is important that we
10 all read those over and take them into
11 consideration.

12 MR. EMERSON: Page 3 of what report, Ella?

13 MRS. MARTIN: The report that was given to us
14 this morning by STS Consultants.

15 MR. EMERSON: I got it now.

16 MRS. MARTIN: Have you read it?

17 CHAIRMAN HAERTER: Why don't we take a short
18 break and let the Board review it?

19 (Break taken)

20 MRS. MARTIN: I think it is important when we
21 read this report, that one of the very first
22 things that is mentioned under the
23 recommendations is that the conditional use be
24 relocated from this piece of property because of

1 some of the borings and some of the things
2 they have already found.

3 There is another part of the report,
4 and that's back on page 1, where they talk about
5 their recommending cap is based on 70 mile per
6 hour winds. And if we all remember in the last
7 week, we definitely hit 70 mile an hour winds.

8 I can't imagine that a tower would be
9 put up that only goes to 70 miles an hour. It is
10 not the very first time that we have encountered
11 70 mile an hour winds in this area.

12 So I think there is a number of things
13 that we should be looking at in that report
14 before we finish on this. I guess that's all I
15 have right now.

16 CHAIRMAN HAERTER: Thank you. Mrs. Scherer?

17 MRS. SCHERER: I did spend a great deal of
18 time -- this is a report I would like to enter
19 for the record that was conducted on October 16,
20 or the letter was written on October 16. I guess
21 the testing was done actually prior to that.

22 The hearing was in April of this year.
23 So what we did at the hearing was to request that
24 this information since it was brought up at the

1 hearing that it did exist, that we would like to
2 see that prior to the vote today.

3 The report as far as I'm concerned just
4 points up exactly what the neighbors are trying
5 to tell us. This is a very wet boggy area.
6 There's a statement here if roadways are put in,
7 they would sink. He ~~would recommend that they~~
8 find a ~~different site to~~ put the towers on to.

9 That the soils are not capable of
10 providing the lateral resistance necessary ~~for~~
11 the use of the dead man anchors.

12 I think in a couple of instances
13 during the hearing, I found that the petitioner
14 was giving out information that was, at best,
15 misleading, which gave me a great deal to think
16 about with regard to whether or not all or the
17 things that were presented to us were in
18 actuality the truth. That's all I have.

19 CHAIRMAN HAERTER: Mr. McNerney?

20 MR. McNERNEY: Looking at the standards for
21 conditional use, I have difficulty approving this
22 petition. Number 1, demonstrating the ability by
23 the petitioner to meet the requirements in the
24 conditional use section.

1 Their own soil boring report indicates
2 that they cannot. The type of tower they are
3 proposing is basically unsafe and unstable.
4 Number 2, the site so situated is compatible with
5 existing or planned future development.

6 I don't think this is a compatible site.
7 Again, the soils are very bad. I don't think it
8 is compatible to future development in the area.

9 Number 3, it won't endanger the public
10 safety. An unsafe tower of this size I think is
11 contrary to that particular standard for
12 conditional use. And again, injurious to the use
13 and enjoyment of other property in the immediate
14 vicinity. I don't think they met that burden.

15 Substantially diminish or impair
16 property values in the neighborhood. I don't
17 think they met that burden. It is hard to
18 believe they can't meet this one. But I don't
19 think they can. Adequate utilities and access
20 roads. Their own report says the road will
21 settle into the thick peat deposit located at the
22 surface. They can't cut in an access road.

23 All the way they seem to fail in each
24 and every one of them. I don't recall seeing a

1 petition where they weren't able to meet 1 or 2
2 or 3 of the standards. I would be against this
3 petition.

4 CHAIRMAN HAERTER: Thank you. Mr. Emerson?

5 MR. EMERSON: You mentioned a very important
6 part of my argument, only I'm taking the opposite
7 side. You are right. This place isn't conducive
8 to a residential development because of the type
9 of soils. The Dorr County Township map calls for
10 a natural area here. It seems to be that.

11 The 2010 plan calls for environmentally
12 sensitive and open space. Crystal Lake calls for
13 wetland, ag, and rural residential. Lakewood
14 calls for 5 to 10 acre residential per site and
15 or larger. And Woodstock calls for an
16 environmentally sensitive area.

17 Going back to the standards, some of
18 them are pretty borderline in Mike's estimation.
19 But there are towers there, including Com Ed, and
20 some towers over there on the property owned by
21 the college and next to the college. So towers
22 are not foreign to this particular area.

23 If Lakewood wants to annex this, I think
24 they should have had an interest earlier than

1 when this petition came up. I am a great
2 proponent to if people come to America, I think
3 they should talk the English language. But I
4 also am a strong proponent that there is some
5 flavor and culture in listening to conversation
6 in your native tongue.

7 So I have to honor both of those. I
8 have no objection to voting for this, even if I'm
9 the only one. End of speech.

10 CHAIRMAN HAERTER: Thank you. I don't have
11 as much a problem with the tower being put where
12 it is as I do with the soil report, and as
13 Mr. Kelly brought up, ~~with~~ the need.

14 I don't think the need has been
15 demonstrated at all. And the soil report really
16 troubles me because it looks to me like it may
17 not even be possible to do.

18 The other thing is the Village of
19 Lakewood has not withdrawn their objection, have
20 they, Brian?

21 MR. DEPIES: No.

22 CHAIRMAN HAERTER: So this will require a 3
23 quarter vote -- it's a conditional use. Never
24 mind. Any further comments? Okay. Call for the

1 vote. Mr. Emerson?
2 MR. EMERSON: Yes.
3 CHAIRMAN HAERTER: Mr. McNerney?
4 MR. MCNERNEY: No.
5 CHAIRMAN HAERTER: Mrs. Scherer?
6 MRS. SCHERER: No.
7 CHAIRMAN HAERTER: Mrs. Martin?
8 MRS. MARTIN: No.
9 CHAIRMAN HAERTER: Mr. Kelly?
10 MR. KELLY: No.
11 CHAIRMAN HAERTER: I will vote no. This will
12 go to the County Board with the recommendation of
13 5 to 1 against. Do I hear a motion for denial?
14 MR. KELLY: I will make a motion to recommend
15 the denial of the petition.
16 MRS. SCHERER: I will second that.
17 CHAIRMAN HAERTER: This is for a motion to
18 deny. Mr. Emerson?
19 MR. EMERSON: No.
20 CHAIRMAN HAERTER: Mr. McNerney?
21 MR. MCNERNEY: Yes.
22 CHAIRMAN HAERTER: Mrs. Scherer?
23 MRS. SCHERER: Yes.
24 CHAIRMAN HAERTER: Mrs. Martin?

1 MRS. MARTIN: Yes.

2 CHAIRMAN HAERTER: Mr. Kelly?

3 MR. KELLY: Yes.

4 CHAIRMAN HAERTER: I will vote yes. So the
5 motion to deny will go to the County Board 5 to 1
6 also. Anything further? This portion of the
7 hearing is closed.

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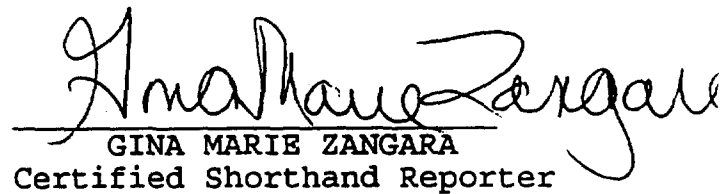
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STATE OF ILLINOIS)
COUNTY OF MCHENRY)

I hereby certify that I reported in
shorthand the proceedings at the above-entitled
public hearing and that the foregoing reported
proceedings consisting of pages 3 through 24,
inclusive, is a true, correct and complete
transcript of my shorthand notes so taken at the
time and place aforesaid.


GINA MARIE ZANGARA
Certified Shorthand Reporter